

# Power Grab by Federal Government Sets State for Forced Vaccination in America

## Drug Companies Get Liability Protection In Homeland Security Bill

By Barbara Loe Fisher



It all started at 5:17 a.m. EST on Wednesday, November 13, 2002 as dawn began to break in the nation's Capitol and the Administration delivered the Homeland Security Bill (H.R. 5710) to the U.S. House of Representatives. By that night the House approved the bill 299 to 121 and sent it to the Senate. What would happen over the next seven days would change the historic balance of power between the Executive and Legislative branches of our government; give power to federal health officials to force vaccination of all citizens without their informed consent; and bar lawsuits against drug companies for injuries and deaths caused by bioterrorism and pediatric vaccines.

The Homeland Security Bill was supposed to focus on setting up a new Department of Homeland Security to address the potential threat of future terrorist attacks against America in the wake of September 11, 2001. Yet, the 484-page bill not only created a new department to handle terrorism threats, it also provided for the biggest reorganization of the federal government since the Department of Defense was created in 1947 and removed the historic checks and balances that Congress has exercised over Presidential authority since the U.S. Constitution was written. In the process of granting unprecedented power to the President and federal government employees, Section 304 of the bill removed from the states their historic control over public health laws, including vaccination laws, and handed it over to federal health officials. Simultaneously, Sections 1714-1717 of the bill shielded the pharmaceutical industry from lawsuits for injuries caused by FDA-approved vaccines, such as mercury containing pediatric vaccines associated with the development of autism in many children.

But the Homeland Security Bill went even further and eroded laws preventing the federal government from conducting the people's business in secrecy, while creating new opportunities for federal employees to snoop into the private lives of their fellow citizens. The public's right to know how government operates was severely curtailed in the bill with Section 214 gutting the Freedom of Information Act (FOIA), which has allowed the media and private citizens to obtain documents and transcripts of federal health agency meetings such as the FDA and CDC Advisory Committees regulating vaccines and making vaccine policy. Title 2 of the bill also gives federal employees unchecked surveillance power to access and track every American's email, internet use, travel, credit card purchases, phone and bank records without a court order.

What happened when the bill landed in the Senate on Thursday morning is now a matter of public record as an informal coalition of citizen groups concerned about vaccine safety, health freedom, informed consent, privacy and civil liberties mobilized a grassroots effort to inform citizens about the bill. Among these were the National Vaccine Information Center, Parents Requesting Open Vaccine Education (PROVE), the Connecticut Vaccine Information Alliance, the American Association of Physicians and Surgeons, the Institute for Health Freedom, the Liberty Committee, and the American Civil Liberties Union (ACLU). While the word was going out to Americans over the internet and in the media, key leaders on both sides of the aisle in Congress were protesting that the bill was being rammed through Congress without enough debate on new provisions inserted into the bill by the Administration at the last moment, especially liability protection for vaccine makers. Among those legislators most concerned were Chairman of the Government Reform Committee, Congressman Dan Burton (R-IN), who has held a series of congressional hearings on vaccine safety and liability since 1999, and Senators Joseph Lieberman (D-CT), Tom Daschle (D-SD), Robert Byrd (D-WV).

In the four days that led up to the vote on the Homeland Security Bill in the Senate, opposition to the bill came to center on provisions specifically giving liability protection to the pharmaceutical giant Eli Lilly, the maker of the vaccine mercury preservative, thimerosal. As the emails, faxes and phone calls came pouring in to Senate offices from parents whose children descended into autism after receiving mercury-containing vaccines and the C-Span2 TV cameras filmed gavel to gavel coverage of the Senate proceedings, the floor of the Senate became a national platform for public airing of the safety and liability issues relating to the mass use of smallpox vaccine as well as pediatric vaccines.



The spotlight on vaccine risks that resulted from the C-Span TV coverage of the Senate debate of the Homeland Security Bill came on the heels of C-Span TV coverage of the first day of the three-day Third International Public Conference on Vaccination sponsored by the National Vaccine Information Center Nov. 7-9, 2002. That historic five and a half hour TV coverage of NVIC's conference on Nov. 7 brought the vaccine risk and liability issue into the homes of millions of Americans as they heard from soldiers crippled when they were forced to take the anthrax vaccine and parents whose children were brain injured by pediatric vaccines. They heard about drug company cover-up of vaccine dangers and conflicts of interest between the vaccine makers and government vaccine regulators and policymakers. C-Span viewers also saw an African human rights activist describe oral polio vaccination at gunpoint in his country after a trial lawyer described the neurovirulence and contamination of oral polio vaccine with a cancer-producing monkey virus. Finally, the American people watched parents of vaccine injured children attending the NVIC conference come to the microphone and ask for help from speakers like Andrew Wakefield, M.D., who talked about the potential synergistic effect between mercury in vaccines and the live MMR vaccine leading to regressive autism.

In less than one week, C-Span2 viewers would tune in to find the Senate discussing the very same vaccine risk issues that had been the focus of NVIC's conference six days earlier. But this time, on Nov. 19, they witnessed the influence that the powerful and wealthy pharmaceutical industry has on American politics as the Lieberman-Daschle-Byrd amendment to strike out the vaccine injury liability bailout for big Pharma was voted down 47 to 52. That night, the Senate would approve the Homeland Security Bill unamended by a vote of 90 to 9.

There are reports of a last minute deal made between the White House and rebellious Republicans (Maine senators Olympia Snowe and Susan Collins and Rhode Island's Lincoln Chafee) threatening to vote for the Lieberman amendment in order to protect vaccine injured children's right to have their day in court, the compromise would only provide for lawsuits currently filed against vaccine manufacturers to remain in the courts. All future lawsuits against vaccine makers alleging harm from vaccine ingredients would be barred.

So, in one piece of federal legislation designed to address terrorism threats against the United States, federal health officials were given the power they had been seeking to force vaccination on citizens without informed consent and generally be held blameless for the vaccine-induced death or injury of any citizen. Understanding that public health and vaccine laws are under state control, in 1999 the Centers for Disease Control commissioned the drafting of model state legislation which would give broad new powers to public health officials. Known as the Model State Emergency Health Powers Act (MSEHPA), this draft legislation would make it easy for public health officials to persuade Governors to declare a "public health emergency" and use the state militia, if necessary, to arrest, quarantine and forcibly vaccinate citizens, while those who make vaccines or enforce use of them would be exempt from liability for any vaccine deaths or injuries which occur. This draft legislation was immediately released post-September 11, 2001 and passed by nearly half the states by November 2002.

However, not all the states passed the MSEHPA legislation and some states amended the legislation to include informed consent protections in the form of medical, religious and conscientious belief exemptions to vaccination and medication. Section 304 of the Homeland Security Bill allows the Secretary of DHHS to issue a "declaration" after concluding that "an actual or potential bioterrorist incident" or "other potential public health emergency"



warrants the administration of “a substance or substances” to “individuals during the effective period of the declaration.” The law provides for no exemptions to vaccination or medication and is expected to override state public health and vaccine laws which currently provide exemptions to vaccination for school entry. This federal law also does not preclude the use of the U.S. military to enforce the administration of vaccines or other “substances” ordered by the Secretary of DHHS to be administered to individuals just as the MSEHPA legislation provided for use of the state militia to arrest, quarantine and forcibly vaccinate individuals.

When Congress returns in January, there will be an opportunity for legislators to amend the Homeland Security Bill with White House approval, although few expect substantial changes to the bill to be made. However, there is still an opportunity to ask legislators to insert informed consent protections to vaccination and medication by adding exemptions for religious and conscientious held beliefs, as well as one that allows a doctor to exercise individual professional judgement in giving a medical exemption. These changes are necessary to prevent widespread abuse of civil and human rights if an “imminent” or actual public health emergency is declared by the federal government.

**The only way that individual citizens can have an impact on the laws which govern them is to make their voices heard.** The voices of many parents across this nation, both those with vaccine injured children and those who have healthy children, were heard in Washington, D.C. in November 2002. Those voices will be important in the months and years to come as we continue to fight for health freedom and the legal right to informed consent to vaccination in America.